IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1225 of 2007()

CC.556/2003 of J.M.F.C.,N.PARAVUR

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: PETITIONERS/ACCUSED

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1. DASAN, S/O. VASU,
   KADUVANGASSERY HOUSE,
   CHERAI, PALLIPPURAM.

2. VASANTHI, W/O.DASAN,
   KADUVANKASSERY HOUSE,
   CHERAI, PALLIPPURAM.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS: COMPLAINANT

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1. SUB INSPECTOR OF POLICE,
   MUNAMBALM

2. STATE OF KERALA,REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1225 OF 2007

Dated this the 5th day of March, 2007

O R D E R

Petitioners, who are husband and wife and accused Nos.1 and 2 in C.C.No.556/03 on the file of JFCM, North Parur for offences punishable under sections 420, 463, 464, 468 and 506(ii) read with section 34 IPC, seek anticipatory bail.

2. According to the petitioners, on 7.2.2007 they and their counsel did not appear before the court below because they had mistakenly noted that their case was adjourned by notification when as a matter of fact the case which was adjourned by notification was C.C.No.556/06. Consequently, non-bailable warrants of arrest are pending against the petitioners.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the concerned Magistrate and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the contention of the petitioners founded on a genuine mistake committed by them and their counsel.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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